

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed June 1, 2006. Furthermore, no new matter is believed to have been introduced hereby.

Claims 11-13 and 18-20 have been amended. Claims 15-21 have been renumbered as claims 14-20 since claim 14 was missing. Accordingly, claims 1-20 remain pending.

Objection to Claims

The outstanding Office Action objects to the numbering of claims 15-21 because claim 14 is missing. In accordance with the Examiner's suggestion, claims 15-21 have been renumbered as claims 14-20. To this end, applicant has also amended claims 18 and 20 to correct the dependencies of these claims. Accordingly, this objection is now believed to be moot.

As detailed in the outstanding Office Action, claim 13 has been objected to for an informality. In response, applicant has amended claim 13 as detailed above. Accordingly, this objection is also believed to be moot at this point.

Allowable Subject Matter

The outstanding Office Action indicates that claims 19 and 20 are allowed. As detailed above, claim 20 has been amended to correct its dependency since claims 19-20 have been renumbered. Accordingly, claims 19-20 should still be in condication for allowance.

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Outstanding Rejections***35 U.S.C. §102***

Claims 11 and 12-13 stand rejected under 35 U.S.C. §102 over US Patent Nos. 7,002,675 and 6,307,627, respectively. In response, without limiting the scope of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, claims 11 and 12-13 have been amended to in part recite "a quarter wave plate at a tilting angle that permits tilting of the wave plate with respect to a beam axis" and "a quarter wave plate at a tilting angle that permits tilting of the wave plate with respect to an axis of the beam," respectively. As indicated by the Examiner in the outstanding Office Action at page 9, none of the cited references, taken alone or in combination, teach, disclose, or suggest such a recitation. Accordingly, it is respectfully submitted that claims 11-13 are in condition for allowance.

35 U.S.C. §103

As detailed in the outstanding Office Action, claims 1-10 and 14-18 stand rejected under 35 U.S.C. §103 over various U.S. Patent No. 6,307,627 to Vurens in combination with other U.S. Patents. However, as the Examiner indicated, U.S. Patent No. 6,307,627 to Vurens was issued to the same assignee as the present application. Accordingly, it is respectfully submitted that reliance on the U.S. Patent No. 6,307,627 for a 35 U.S.C. §103 rejection is inappropriate. In particular, the present application and the U.S. Patent No. 6,307,627 patent were, at the time the invention of the present application was made, commonly owned by HDI INSTRUMENTATION. Accordingly, pursuant to 35 U.S.C. §103(c) and MPEP §706.02, the rejection of claims 1-10 and 14-18 should be withdrawn.

Conclusion

Reconsideration and allowance of all claims is respectfully requested. The Examiner is urged to telephone the undersigned if that would expedite prosecution of the application.

Respectfully Submitted,
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By His Representatives,
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By: 

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